

BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

IN RE CREDIT DEFAULT SWAPS
ANTITRUST LITIGATION

MDL Docket No. 2476

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THOMAS G. BRITTON
CLERK, U.S. DISTRICT COURT

**PLAINTIFF ESSEX REGIONAL RETIREMENT SYSTEM'S JOINDER TO MOTION
OF PLAINTIFF SHEET METAL WORKERS LOCAL NO. 33 CLEVELAND DISTRICT
PENSION PLAN FOR TRANSFER AND CENTRALIZATION
IN THE NORTHERN DISTRICT OF ILLINOIS**

Pursuant to 28 U.S.C. §1407, Plaintiff Essex Regional Retirement System ("Essex") moves to join Plaintiff Sheet Metal Workers Local No. 33 Cleveland District Pension Plan's ("Sheet Metal Workers") motion to transfer and consolidate in the United States District Court for the Northern District of Illinois all related actions alleging antitrust violations in the market for Credit Default Swaps ("CDS") as set forth in the Schedule of Related Actions filed herewith ("Credit Default Swaps Actions" or "Related Actions"), as well as any tag-along actions or other cases that may be subsequently filed asserting related claims.

I. Background

On August 12, 2013, Essex filed an antitrust class action complaint in the United States District Court for the Northern District of Illinois alleging violations of the Sherman Act in the market for CDS. *Essex Reg'l Ret. Sys. v. Bank of America Corp.*, 1:13-cv-05725 (N.D. Ill.).¹ To date, six class action complaints have been filed alleging the same or related claims. Five of these lawsuits are pending in the Northern District of Illinois. One is pending in the Southern

¹ Essex originally filed the case in the United States District Court for the Southern District of New York, but soon thereafter filed a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a), which the court granted.

District of New York. *See* Schedule of Related Actions attached hereto as Exhibit A. Of the five cases filed in the Northern District of Illinois, four are proceeding before the Honorable Milton I. Shadur. Essex has filed a motion to reassign its related case to Judge Shadur.

On July 16, 2013, Sheet Metal Workers filed a Motion and Memorandum in Support before the Judicial Panel on Multidistrict Litigation (“the Panel”) to transfer and consolidate for pretrial purposes all of the Credit Default Swap Actions in one district court pursuant to 28 U.S.C. § 1407. (Doc. No. 1). Essex agrees with Sheet Metal Workers that transfer of all related actions to a single forum for consolidation or coordinated pretrial proceedings will further the convenience of the parties and witnesses, will promote efficiency and judicial economy, and will eliminate the possibility of conflicting pretrial rulings. These cases present many common questions of fact and substantially identical legal theories, a sufficient basis to satisfy the transfer requirements of §1407.

II. The Northern District of Illinois is an Appropriate Forum for the Credit Default Swaps Actions

Essex joins in Sheet Metal Workers’ Motion for Transfer and Centralization in the Northern District of Illinois. The Northern District of Illinois is an appropriate forum for pretrial proceedings because:

- The first-filed and most procedurally-advanced action is pending in the Northern District of Illinois;
- Five of the six related actions are pending in the Northern District of Illinois;
- Relevant documents and witnesses will be found in the Northern District of Illinois;
- The Northern District of Illinois is convenient for the geographically dispersed parties; and
- The Northern District of Illinois, and in particular Judge Shadur, has significant experience managing multidistrict litigation.

For these reasons, and all of the reasons stated in the above-referenced Motion and Memorandum in support thereof filed by Plaintiff Sheet Metal Workers, Essex respectfully requests that the Panel transfer and consolidate the related Credit Default Swaps Actions to the Northern District of Illinois.

DATED: August 23, 2013

Respectfully Submitted,

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